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determined by the law, under which litigants have properly acted, or, if there is no such law, then by rules as near the old as possible.

I have touched but a small portion of the thoughts suggested by the book under consideration. It is full of interest to those who like the study of the fundamental divisions of all law and their proper limits.

It is of little value to one who regards the law chiefly as a means of winning or deciding cases.

C. A. KENT.

THE PRINCIPLES OF GERMAN CIVIL LAW. By Ernest J. Schuster, LL.D. (Munich), of Lincoln's Inn, Barrister-at-Law, Oxford: The Clarendon Press; London and New York: Henry Frowde, 1907, pp. xlvii, 684.

The author in his preface tells us "this book is intended (1) to assist the study of English law from a comparative point of view; (2) to give an insight into the latest and most perfect attempt to systematize the whole of the private law of a country; (3) to give some practical help to the increasing number of practitioners who in the course of their daily work have to deal with questions of foreign and private international law."

The work follows in general the arrangement of the German Civil Code, even in what Holland calls the "inconvenient inversion of the order of treatment" of that code (JURISPRUDENCE, 10th Ed., p. 162, Note 1). Full references are given to the authorities used by the editor, including: a "Table of German Codes and Statutes," "The Civil Code," "The Commercial Code," etc., and tables of "English Statutes" and "English Decisions." Dr. Schuster does not, however, attempt to give us an exegesis of the entire *Bürgerliches Gesetzbuch* and *Handelsgesetzbuch* but rather a systematic exposition of the basic principles of law as illustrated in the German system, with full reference to English statutes and cases bearing upon the same points. The Introduction gives an historical sketch of German law, an account of the component parts of German private imperial law, of the relation of imperial law to state law, and of codes and statutes to customary law, of the sources of German private law, of the arrangement and characteristics of the new codes, and of methods of interpretation.

The attitude of the British lawyer and of his American legal cousin toward comparative law is so aptly expressed in the statement, attributed to a "learned jurist," that the "comparative jurist is one who knows a little about every system of law but his own," that it seems no one can write on the subject without at least referring to this sarcastic definition. The author of the present book quotes this mouth filling if not soul satisfying description of scholars of his own class, but turns the definition on the definers by asserting that some of the most honored men in the history of English jurisprudence, including not only writers on English law but also most successful practical lawyers, are known to have a deep and comprehensive knowledge of Roman law or of modern continental law or of both. It seems to the reviewer after a careful perusal of Dr. Schuster's work that the book itself is the author's best defense on this point, for he has succeeded in producing an

exceedingly valuable handbook on comparative law, useful to the German or the English student alike, who may desire accurate and usable knowledge of the system other than his own.

The author constantly contrasts the two systems in particular points and occasionally makes extended comparisons of legal institutions in English and German law. We find, for example, such treatment of the themes of domicil, circumstances affecting liability, special liabilities of particular employments, impossibility of performance, custody of movable things, possession, the effect of impediments to marriage, the position of the wife in the modern law, inheritance, etc., etc.

The work will be as valuable for the practical English lawyer, who needs some point of departure in his excursions into the field of foreign law, as it is interesting to the student of comparative law, for the reference to continental codes and to English legal sources will put the practitioner on the right track in his pursuit of information. It seems, however, rather a matter of regret that the author has refrained from giving us more bibliographical material, though his reason for this omission—urged in the preface—that such material may be found in the fuller German text books, is possibly sufficient excuse for not unduly increasing the size of his book.

The author's device of inclosing in parentheses the equivalent in the original of English paraphrases of the technical German terms avoids possibly ambiguities that might arise from this source. The mechanical execution of the book shows the customary high standard of excellence of the press from which it comes, though the form "rocovered," § 345, line 2, has escaped the proofreader.

Dr. Schuster is to be congratulated on having done well a much needed piece of work. For the use of college and law school classes in modern Roman law, the book will serve as an excellent supplement to the equally well done Institutes of Classical Roman Law issued from the same press some years ago.

J. H. D.